

arrived in Texas with his father and three sisters just prior to the Texas War for Independence from Mexico.

McCulloch was a free black, and with his freedom he volunteered as a private in the Texas Army to fight for independence. On October 9, 1835, McCulloch took part in the Battle of Goliad. While storming the Mexican line, McCulloch was severely wounded when a musket ball shattered his right shoulder. Thus, Samuel McCulloch, Jr. became the first Texas casualty of the war.

After Texas won its independence and became a free Republic, Samuel McCulloch, Jr. went on to fight against the Comanches along with the Texas Rangers at the famous Battle of Plum Creek, and he served as a spy for the Texas Army when Mexico reinvaded Texas in 1842. Later, McCulloch lived as a farmer and a rancher with his family on the land that the Texas government gave him for his service to the Republic.

He died in November of 1893. He triumphed over all obstacles and voluntarily risked life and limb to establish freedom for Texas, the land he loved. During Black History Month, we honor this freedom fighter and this first to shed blood for Texas independence.

And that's just the way it is.

BALANCING SECURITY WITH CIVIL RIGHTS

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, when 9/11 happened, we, as a Nation, realized that, while we used to like away games, we liked our wars over there, suddenly we were confronted with a home game, a danger right here in America. And so the discussion over the last few weeks over the wiretapping capability of the United States is absolutely critical. I know. I headed, after 9/11, the Navy's Antiterrorism Unit.

When the bill came over here from the Senate, we asked for what we should have done. Time to address two important issues. One, what's the proper oversight that we should have on those who wiretap? An Inspector General, a report to Congress and to the Surveillance Court. And second, amnesty. Do we give someone who has broken the law, the telecommunication companies, amnesty for facilitating wiretapping? We may. But first let us know, before you give someone amnesty, why they did it and what they did.

In short, right now we're operating under the same rules as President Reagan had, as the first President Bush and the second President Bush had for 6½ years. Now we need to compromise on both sides to ensure that our security is balanced with proper civil rights.

CELL PHONE BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, picture a cell phone in 1989. Back then, cell phones were huge, the size of a suitcase, and air time cost a fortune.

A law was put in place in 1989 to require that detailed log sheets be kept by employees of their cell phone use in order to document their business use. Those rules made sense back then.

Fast forward to today. Clearly, time and technology have marched on and companies give their employees cell phones and BlackBerrys with unlimited minutes. And these communication devices are really just an extension of the business day and place to anywhere at any time.

The IRS wants employees to keep detailed call sheets or be forced to include the value of cell phones and BlackBerrys in their pay. The law needs to be brought up to date with the fact that the office cell and BlackBerry is just an extension of the phone on an employee's desk. Employees and employers have better things to worry about than keeping detailed logs of calls only for tax purposes.

It's time for the Congress to pass the Mobile Cell Phone Act, H.R. 5450, and stop the IRS harassment.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker.

The Bush administration continues a daily drumbeat of fearmongering on the Foreign Intelligence Surveillance Act, wiretapping, despite its own admission over the weekend that it has access and authority to continue all surveillance.

The U.S. intelligence community has expansive authorizations for wide-ranging surveillance limited by each American's right to privacy. If any new surveillance needs to begin, the FISA Court can approve a request within minutes. But National Security Director Mike McConnell says President Bush is holding up a compromise on FISA legislation because he wants to give blanket immunity to telecommunications companies who turned over information about their customers. Once again, President Bush is putting the biggest corporations first and shrinking the constitutional rights we all enjoy as Americans.

We can protect this country and the Constitution at the same time, and that's precisely what the Democratic majority will do.

PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1001 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1001

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative McCrery of Louisiana or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI, clause 9 of rule XXI, or clause 10 of rule XXI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 983 is laid upon the table.

POINT OF ORDER

Mr. CONAWAY. Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Texas and a Member opposed, the gentlewoman from California, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: